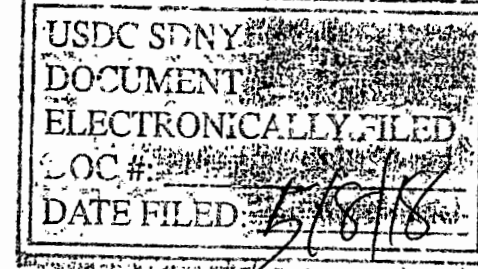


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	
WINIFRED JIAU,	:	
	:	
Petitioner,	:	15-cv-380 (JSR) (RWL)
	:	11-cr-161-1 (JSR)
-v-	:	
	:	<u>ORDER</u>
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
-----	x	

JED S. RAKOFF, U.S.D.J.

Before the Court is the latest petition by defendant and now pro se petitioner Winifred Jiau challenging her conviction for insider trading. On January 16, 2014, then Magistrate Judge James C. Francis issued a Report and Recommendation in the above-captioned matter recommending that the Court dismiss Ms. Jiau's pro se petition filed pursuant to 28 U.S.C. Section 2255. Ms. Jiau subsequently objected to certain portions of the Report and Recommendation in a submission dated December 5, 2016. Since her objections in material part presupposed the applicability of United States v. Newman, 773 F.3d 438 (2d Cir. 2014), and Ms. Jiau did not have the advantage of seeing the Supreme Court's decision in Salman v. United States, 137 S. Ct. 420 (2016), the Court sua sponte gave Ms. Jiau until January 5, 2017 to submit additional objections to her previously filed papers. The Government submitted opposition papers on January 17, 2017, and Ms. Jiau filed reply briefing on January 24, 2017. The Court has reviewed the objections and the underlying record de novo.



Having done so, the Court finds itself in complete agreement with Magistrate Judge Francis' Report and Recommendation, which is fully reinforced by the Supreme Court's decision in Salman. The Court therefore hereby adopts the Report and Recommendation's reasoning by reference.

Accordingly, the Court denies the petition with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005).

SO ORDERED.

Dated: New York, NY  
May 4, 2018

  
JED S. RAKOFF, U.S.D.J.